

APPROVED: Meeting No. 06-96

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 01-96

January 11, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on Thursday, January 11, 1996, at 7:33 p.m. Mayor Krasnow remarked that this first meeting of the New Year, originally scheduled for Monday January 8 had to be postponed twice due to the inclement weather.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan  
(Arrived 7:42 PM)

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The Mayor and Council's active support of the City's many recreation and parks programs resulted in the City's winning an international grand prize award for City Hall public information awards. The award recognizes excellence in Rockville's Recreation and Parks Guide. Mr. Kuckkahn thanked staff involved in producing the guide: Graphics Supervisor Nancy Zombolas and her staff, Chris Medley and Betsy Robbins, and Recreation Supervisor Phil Bryan.

2. First Night Montgomery County took place on January 1st in downtown Silver Spring. The City participated by providing in-kind support and this inaugural celebration for Montgomery was a success.

3. With the December 18th snowfall residents and businesses were permitted to place sand and salt on sidewalks instead of removing ice. The City was primarily concerned with the implements need to clear the ice and the damage they might cause to the walks. Eighty-one commercial and twelve residential citations and fines were levied. Because the January 7th snowfall was quite different, the Mayor and Council and staff will need to discuss enforcement of the City's sidewalk clearing policy. However, residential property owners are encouraged to pursue snow and ice removal as soon as possible.

4. Beginning with January water bills, residents will notice a special space provided for persons who wish to donate to the City's Emergency Assistance Program (EAP). The EAP program helps residents who find themselves in emergency situations and are unable to cope with economic conditions.

5. The City's Electronic Bulletin Board (BBS) is operating and may be accessed by persons using a computer and modem by calling 309-3176 or 309-3177. Residents may access general information about the City, Mayor and Council agendas, meeting schedules, the City Manager's F.Y.I. Report, economic development, employment opportunities and upcoming cultural events. Callers may also leave messages for staff. It is expected that the City will soon be up and running on the World Wide Web

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("Web") and developing is own "home-page."

Councilmember Wright commented that he thought the City had been working very hard to clear the snow and the amount of snowfall did have an impact on the services residents expected from the City; he asked for the patience of residents.

Councilmember Marrinan complimented the City staff on the snow removal efforts; he said he heard many comments on the condition of Rockville streets in comparison with streets in other jurisdictions. Mayor Krasnow said that she had been working closely during the week with staff, and she assured citizens that staff worked overtime to clear the 120 miles of Rockville roads in a timely manner. Overall, residents had been patient and she shared a note received from a resident who informed the City of the incredible job done plowing the streets.

Re: Citizens Forum

1. Lorenzo Ricks, Resident of College Gardens speaking on behalf of Community Ministries of Rockville (CMR) said that CMR's Director Mansfield Kaseman will be out on medical leave for couple of weeks. He said that CMR looked forward to working with the new Mayor and Council and new staff in serving the citizens, particularly the elderly, during the inclement weather.

2. Bill Kominers, Attorney, Tower Dawson Limited Partnership, said the applicants were in support of the introduction of Ordinances for both Text Amendments 95-1050 and 95-0151. He reiterated a request made at the public hearing that the layover

period for adoption of the Ordinances be waived. Mr. Kominers noted that a lot of work had been done by staff to draft TXT95-0151 to address concerns expressed by the Mayor and Council and Tower Dawson, and he said Tower Dawson was in support of the amendments before the Mayor and Council.

3. Bill Meyers, 804 Leverton Road complimented City staff on the snow removal efforts. Regarding the introduction of Text Amendment 95-1050, an amendment to allow relocated power transmission lines to be placed above ground, Mr. Meyer asked if the amendment included the allowed relocation of lines other than power lines. Mayor Krasnow confirmed that the amendment dealt only with electric utility lines. Mr. Meyer remarked that he tried the City's electronic Bulletin Board (BBS) and said it was a good start; however, he was also pleased that the City would be getting a Web page since it was easier to access. He suggested that staff also look into Maryland Electronic Capital, Maryland's new State home page that other jurisdictions can link into. Mr. Meyer then suggested that the City needed a policy requiring that snow plow operators keep snow clear from storm drains and fire hydrants.

Regarding Mr. Rick's comments, Mr. Kuckkahn said that the City offered a service linking students who can assist senior citizens and others in clearing their sidewalks. Residents should call Lorraine Schack, 309-3051 who can arrange for this service. Lorenzo Ricks suggested that local church members publicize this service throughout their congregations and that members they also should also sign up as

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volunteers to help the elderly.

Re: Appointments

Mayor Krasnow noted that the appointments to the Senior Citizens Commission were postponed until the January 22, 1996 General Session in order to give members of the Commission an opportunity to be present without having to come out in inclement weather conditions.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Catherine Irwin was appointed to serve as Chairperson of the Cultural Arts Commission.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, Anita Neal Powell and Robert Mullinax were appointed to serve on the Historic District Commission.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Joseph Bradley was appointed to serve as an At-Large representative on the Landlord-Tenant Affairs Commission and William Silverman was appointed to serve as a Tenant representative.

Councilmember Harrison noted that the agenda incorrectly assigned the representations for each appointee.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, John Austin was appointed to serve on the Rockville Sister City Corporation.

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Upon motion of Councilmember Harrison, duly seconded and unanimously passed, Charles Haine was appointed to serve on the Science, Technology and Environment Commission.

Re: Approval of Minutes

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Minutes of Meeting No. 49-95 (December 11, 1995) were approved as amended.

Re: Consent Agenda

Mayor Krasnow requested removal of Items B and G, and H. Councilmember Wright also expressed an interest in removing Item H. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following items were approved.

- (A) Award of Bid #0011T800364  
To: Criswell Chevrolet  
Of: Gaithersburg, Md  
In the amount of \$23,634

For: Purchase of two standard staff sedans.

- (C) Award of Bid #36-96  
To: Curtis Chevrolet  
Of: Washington, D.C.  
In the amount of \$20,515

For: Purchase of a one-ton utility truck for the Public Works Department.

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- (D) Award of Bid #37-96  
To: Chesapeake Ford Truck  
Sales, Inc.  
Of: Baltimore, Md  
In the amount of \$76,760
- For: Purchase of two 35,000  
GVW cab and chassis
- To: B&B Equipment Co., Inc.  
Of: Baltimore, Md  
In the amount of: \$41,994
- For: Purchase of two 20-cubic-  
yard compactor bodies.
- (E) Receipts of financial reports  
summarizing the results of City  
operations for the period from  
July 1, 1995, through December  
31, 1995.
- (F) Introduction of Ordinance to  
amend Ordinance Number 5-95  
appropriating funds and levying  
taxes for Fiscal Year 1996.

Each fall, the appropriations ordinance is amended to provide funding for encumbrances which were outstanding at the end of the previous fiscal year. Also included in this year's proposal is \$22,925 for recreation programs, to be sponsored by revenues generated above and beyond original estimates as well as \$30,735 in the Community Activities Fund, supported by the

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Community Services  
Department's fund raising  
efforts.

Re: (Item B) Award of Bid #IFB  
6506000015 (Montgomery  
County)  
To: Morton Salt Division  
Of: Chicago, IL In  
the amount of \$34,920

For: Purchase of additional bulk  
road salt because of early winter  
storms depleting stock.

Mayor Krasnow said that the bid award was to purchase 1,000 tons of bulk road salt as a result of the December snow storm; she asked whether the City would again need to purchase additional salt in light of the recent storm. Mr. Kuckkahn reported that there was 800 tons of salt in storage, and in the worst possible condition, 400 tons would be used and the purchase should be able to satisfy the City's needs. In response to an inquiry from Councilmember Wright, Public Works Director Bob Goodin noted that the City's storage capacity was 1800 tons. Councilmember Dorsey inquired whether staff anticipated any problems in having the salt delivered. Mr. Goodin said that the salt was from a local source and a delivery shipment of 500 tons was expected on January 12. Upon motion of Mayor Krasnow, duly seconded and unanimously passed, Bid #IFB 6506000015 was awarded to Morton Salt Division.



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Re: (Item G) Introduction of Ordinance to Adopt Text Amendment Application TXT95-0150, PEPCO, Applicant. To amend the Zoning Ordinance to allow relocated power transmission lines to be placed above ground.

Mayor Krasnow explained that she was concerned that the Text Amendment was too specific to the Tower Oaks site, and the general feeling was that the Mayor and Council would want it to apply to any place where the Planning Commission might decide approval to leave the poles above ground temporarily. She said that the Text Amendment should state the Mayor and Council's desire that all the lines except the high voltage lines should be moved underground. She agreed that the overall the wording of the Text Amendment was acceptable, however the amendment specifically addressed the area south of Wootton Parkway and east of Interstate 270, and she suggested that the language be redrafted to be more specific. Regarding the applicant's request that the layover period for adopting the ordinance be waived, Mayor and Council generally agreed that staff should rework the language and that the Ordinance be brought back for approval on January 22. Without objection, the Ordinance was introduced. Councilmember Marrinan pointed out that when the Mayor and Council last discussed the Ordinance, the issue of above ground and underground transformers was discussed and the Mayor and Council had rejected the idea of having above ground transformers.

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Re: (Item H) Introduction of Ordinance to Adopt Text Amendment Application TXT95-1051, Tower-Dawson Limited Partnership, Applicant.

To amend the Zoning Ordinance to add a new use, "Health Maintenance Organization Facility (HMO)," add a parking standards for "HMO," and to permit "Medical and Dental Clinics" and "HMO" in a Comprehensive Planned Development (CPD).

Councilmember Wright said that his concern dealt with the various parking requirements and the uses associated with them. The HMO was similar to an office and the requirement in general for office space was one space for every 300 square feet. Mr. Wright said that during last discussions, it was not clear that what was talked about was application of the retail standard which was one space for every 200 square feet. Mr. Wright said his overall concern was that there was still a medical use that was very close to the retail--one space for every 200 square feet in addition to one space for every doctor and every two employees. He said he felt more comfortable with the retail standard; however if the amendment was passed with just this standard, it would not include the one space per doctor and every two employees. Mayor Krasnow said she was comfortable with one space for every 200 square feet and she said that she understood Mr. Wright's point about the retail standards.

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Mayor Krasnow introduced the Ordinance and suggested that the layover period not be waived and that the Ordinance be brought forth for adoption on January 22, 1996.

Re: Items relating to the purchase  
and installation of hardware and  
software:

Finance Director Kevin Deckard said the award of a client server bid was the culmination of three years of planning to embark on a program designed to eliminate the City's mainframe computers over the next few years, develop PC-based software systems using Windows and state-of-the-art relational data base technology, and to permit easy development of reports using raw data in the systems. Mr. Deckard explained the bid requirements that were established and he said a decision was made to put out one bid that listed all of the City's mainframe applications to be migrated. In addition, the hardware specifications for the client server product and the relational data base specifications were joined, and not every vendor bid on every specification staff asked for because no one company could address all the specification needs. The staff Evaluation Committee performed an evaluation based on price, quality and ability to address the City's needs, a firm's experience in client server systems, specific qualifications of staff assigned to the City, compatibility of implementation plan with the City's needs, and client references. The Evaluation Committee recommended that the RFP be awarded three ways:

- (a) Award of Bid #28-96  
To: Systems and Computer  
Technology Corporation  
Of: Lexington, Kentucky  
In the amount of: \$317,990

For: Windows based financial application software providing general ledger, purchasing, inventory, accounts payable, accounts receivable, payroll, applicant tracking, benefits administration.

- (b) Award of Bid #28-96  
To: Budgeting Technology, Inc.  
Of: Bethesda, Md  
In the amount of: \$67,000

For: Installation of budget and salary projection Windows based software.

- (c) Award of Bid #28-96  
To: Unisys  
Of: Fairfax, Virginia  
In the amount of: \$69,444

For: Installation of client server hardware.

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Mr. Deckard explained that of the total amount of the bid awards, \$175,026 will be needed in the current fiscal year and adequate funding existed in the budget for this purpose. An additional \$227,424 will need to be appropriated in FY'97 and \$51,984 in FY'98. He said at that point, it was contemplated that the water, sewer and refuse systems would be re-bid to add an additional \$75,000-100,000 in costs that would come from the water fund and not from taxpayer funds and used to fund the future purchases. Mr. Deckard said it was customary to replace major systems about once a decade and this technological move will be the direction taken by many in the next few years. In addition, Mr. Deckard said that the City's old hardware was difficult to maintain and they were not able to obtain the software needed for certain applications.

Councilmember Wright asked if any of the users of this particular combination of hardware had entire systems operating somewhere where staff could observe them in operation. Mr. Deckard responded that there were two cities which had all of the applications and a number of cities which had two of the three operations. He also noted that all of the references obtained by staff had been overwhelmingly positive. In addition, site visits had been conducted to the State of Indiana and to Schaumburg, Illinois.

Noting that one of the companies was in Lexington, Kentucky, Councilmember Dorsey asked about the support in terms of the distance a vendor would have to travel to provide help to the City. Mr. Deckard said that it would be extremely

rare that a company would have to come on site as most repairs were conducted by telefacsimile and modem hookup. Councilmember Dorsey questioned that once the City's Web was operational, would there be a potential for breaching the security of the City's records from hackers. Mr. Kuckkahn said the systems were entirely separate at this point and this would continue along with applications, such as a "firewall" that would eliminate exposure of the City's systems. Mr. Dorsey said that he hoped the new technology would allow the City to be more compatible with the County's Geographic Information System as well as other systems. Mr. Deckard responded that the County was client server, and the City would have an opportunity to interface with the County.

Councilmember Marrinan said he supported moving towards the new technology, and he pointed out that the action was a significant commitment on the City's funding over the next years. Mr. Marrinan said it was worth noting that the City's resources would be limited in that time frame.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the three bids were awarded.

Re: Adoption of Ordinance to levy special assessments for driveway aprons constructed in Fiscal Year 1995. The City performed 25 driveway apron jobs requested by the residents. The assessable base is \$18,408.38.

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Ordinance No. 01-96

Mr. Deckard noted replacement pages of the Ordinance amending the due date of the assessments from January 31, 1996 to February 29, 1996 in order to allow a minimum of three weeks (as is City policy) to pay the assessment bills. Because of the weather, the Mayor and Council were not able to meet on January 8th, when the Ordinance was originally scheduled for adoption. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the amendment was adopted. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Ordinance, as amended, was adopted. A copy of the Ordinance may be found in Ordinance Book No. 19 of the Mayor and Council.

Re: Presentation of the City's  
Comprehensive Annual Financial  
Report for the year ended June  
30, 1995. (Tabled from 12/11/95  
Meeting)

Mr. Deckard summarized the Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 1995. Copies of the Report are available at City Hall. Mr. Kuckkahn noted that the information contained in the Report would be brought forth during budget presentations.

Mayor Krasnow commented that the Report was very impressive. She also expressed appreciation to Mr. Deckard for keeping the City's budget in line in light of increasing difficulties with the City's revenue stream. She asked that during the budget

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cycle, Mr. Deckard give some input about how Federal layoffs and grant cut-backs will impact the City.

Re: FYI/Correspondence

Councilmember Harrison noted an editorial in the January 11 Montgomery Journal about the health risks associated with shoveling snow. With the City's snow removal policy in mind, Mr. Harrison encouraged residents to take caution. Mayor Krasnow reminded everyone that residents with special needs can call the City and get help with snow removal.

Re: New Business

1. Proposed Football Stadium in Baltimore

Councilmember Harrison asked for the Mayor and Council's support of a statement expressing concern about the use of State funding for a new football stadium in Baltimore. Mr. Harrison said many Rockville residents were concerned that State funding priorities should reflect the needs of citizens in the State. Given tight budget conditions and the fact that funding will not be available to meet the basic needs of citizens, Mr. Harrison said he believed that the State Legislature should not fund the new stadium. He said while he did not oppose the construction of a new Baltimore stadium, he believed that other sources of funds should be found. Mr. Harrison moved that the Mayor and Council adopt a statement circulated prior to the meeting to be sent as a letter to members of the General Assembly and that the City simultaneously issue its own press release.



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Mayor Krasnow commented that she had also heard from residents on the issue who were concerned that in times of limited resources, it appeared that a great deal of money would go towards a football stadium and the perks associated with it. The Mayor said she consulted with some members of the State Delegation and members of the County staff to see if the issue would affect the City's bargaining position on future issues that might be encountered. She said some members of the State Delegation felt strongly that a letter might help them emphasize the fact that times are tight and that Montgomery County had a lot of needs. Others felt that there was not much to gain by taking the position. She said she would support a letter addressed to the State Delegation

Councilmember Marrinan said he would also support such a statement. He said a major concern he heard from Rockville residents and others was how the proposed deal between the State and the Cleveland Browns had been established regarding other sources of income that seemed to be in excess of what was normally done in attracting a professional sports franchise to a community. Mr. Marrinan said that some considered the deal a give-a-way rather than an economic development type of investment. Mr. Marrinan suggested that it be pointed out that a modified agreement with the Browns organization might be the solution rather than stating an outright opposition to the proposal.

Mayor Krasnow agreed that she would not want the City getting involved with the decisions made at the State level. The City, County and the many counties throughout the State have many needs and it should be made clear that these needs should

not be sacrificed and they should be made a higher priority. Staff was directed to draft a letter for the Mayor and Council's approval that would be sent to the City's Delegation.

2. Pike's Peek Road Race

Mayor Krasnow said that the City was approached by the County who was organizing a race with the Montgomery County Road Runners Club which was designed to replace the Fritzbe's Run. The race will take place in April and will consist of a 10K road race down Rockville Pike, starting at Redland Road and ending at White Flint Mall. The County asked the City to endorse the race and to help support it with police and in-kind services. Mayor Krasnow expressed major reservations about endorsing the race. The race neither starts nor ends in the City, and Ms. Krasnow said she was not sure what the City's gain would be even though the negatives--disruptions of traffic and business--were clear. Councilmember Harrison added that there would also be an impact on people attempting to attend Church services along Rockville Pike.

Recreation and Parks Director Burt Hall said that staff met with the Road Runners and looked at the plan details. The organization was able to predict with considerable certainty, estimating 4,000 runners, when the first and the last runner would cross different points on the race course. They were confident the race could be fit in between the time when people arrive at St. Mary's Church for service and that the race would be out of the way by the time church service ended.

Councilmember Marrinan commented that the Montgomery County Road

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Runners Club had participated in many other races that resulted in positive experiences, and based on other races they conducted on Rockville Pike, he did not think there would be an adverse impact. He said he understood Mayor Krasnow's concerns; however the proposal indicated that there would be conditions included in the City's participation in the race, e.g., police support provided by the City would be fully reimbursed, and there would be a contribution to the Rockville Scholarship Fund. Mayor Krasnow suggested that the Mayor and Council defer further discussion of the issue until there was an opportunity to talk with Lyman Jordan of the Rockville Rotary and John Sissala of the Road Runners Club.

Re: Next Meeting

The Mayor and Council will meet in Public Hearing on Tuesday, January 16, 1996 on the proposed sale of Lot 7 and Gude Drive Special Assessments.

Re: Adjournment

There being no further business to come before the Mayor and Council, the General Session was adjourned at 9:45 p.m., to meet in Worksession with Metricom, Inc.

Re: Worksession to Discuss  
Metricom's proposal for placing  
radio wave transmitters in the  
public right of way.

Robert Denny, President of Denny & Associates, a consulting engineering firm, explained how Metricom's transmitters operate under the Federal Communications Commission (FCC). He said that a number of industrial, scientific and medical devices

also operate in the same megahertz band and FCC had tested the transmitter and issued authorization for the device. Mr. Denny mentioned that the transmitters would more likely receive interferences than cause them because of its low transmitting frequency. Regarding concerns expressed about human exposure to radio waves, Mr. Denny clarified that the power density was more than 50 feet above ground level and was less than one volt. A video of a news clip from WKRM Television in California was shown that explained how the transmitters benefitted college students working on laptop computers away from campus. The Mayor and Council then addressed the following:

- (1) If Metricom filed for bankruptcy, would the City be able to remove the devices? The City holds a bond for the maintenance of the transmitters and would therefore be compensated for any costs associated with removing the devices.
- (2) Is the City obligated to accommodate other companies with requests to place similar devices. Since the poles are in the City's right of way, the City could decide such requests on a case-by-case basis.
- (3) Regarding the wireless communication services issues that the Council of Governments is looking at, staff feels comfortable that there is enough versatility in the contract between Metricom and the City in order to deal with any variables that COG's report may address.
- (4) Following Mayor and Council approval of the contract, Metricom is looking to be fully deployed on Interstate 270 by March 31 and in the City by December

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31, 1996. Metricom was asked to inform the City when citizens can be told that the transmitters can be fully used.

(5) Metricom is also looking at private sites to install future transmitters, in the City of Gaithersburg as well as on privately-owned City buildings.

(6) It was noted that in response to the City's article seeking public comment on the issue, two responses were received requesting additional information--from Anita Summerour, President of Lincoln Park Civic Association and from Stephen Fisher, President of Burgundy Knolls Neighborhood Association--both were responded to.

(7) Metricom would like to control the moving of any devices and they encouraged residents to call them with any concerns.

Staff was directed to bring the agreement back for adoption at the January 22, 1996 General Session.

Re: Adjourn to Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, with Mayor Krasnow, Councilmembers Dorsey, Harrison, Marrinan and Wright voting "aye," the Mayor and Council adjourned the Worksession at 10:45 p.m. to reconvene immediately following in Executive Session, pursuant to Section 10-508(a)(7) and 10-508(a)(1)(i) of the State Government Article, Annotated Code of Maryland to obtain legal advice from counsel and to discuss a personnel matter.